

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ROBERT ERRIC HAINES,

Petitioner,

v.

CIVIL ACTION NO. 1:06CV164
(Judge Keeley)

MOUNT OLIVE CORRECTIONAL COMPLEX,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On November 13, 2006, pro se petitioner Robert Erric Haines ("Haines") filed a petition under 28 U.S.C. §2254, challenging a conviction and sentence imposed in the Circuit Court of Kanawha County, West Virginia. Haines is currently incarcerated at the Mount Olive Correctional Center located in Fayette County, West Virginia. In accordance with Local Rule of Prisoner Litigation 83.09, United States Magistrate Judge John S. Kaul conducted an initial screening of Haines' petition and issued a Report and Recommendation on November 15, 2006. Because Haines was sentenced and is currently incarcerated in Southern District of West Virginia, Magistrate Judge Kaul recommended that this case be transferred to the Southern District of West Virginia in accordance with 28 U.S.C. §2241(d).

ORDER ADOPTING REPORT AND RECOMMENDATION

The Report and Recommendation informed Haines that failure to object to the recommendation and report would result in the waiver of his appellate rights on this issue. No objections were filed.¹

The Court **ADOPTS** the Report and Recommendation in its entirety and **TRANSFERS** this case to the United States District Court for the Southern District of West Virginia.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the pro se plaintiff, certified mail, return receipt requested.

Dated: November 29, 2006.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ Haines' failure to object to the Report and Recommendation waives his appellate rights in this matter and relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).